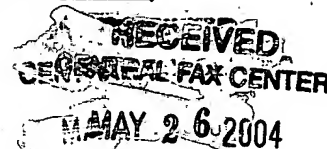


WSGL WEINGARTEN, SCHURGIN, GAGNEBIN & LEOVICI LLP*Intellectual Property Law*
Patents • Trademarks • CopyrightsTen Post Office Square
Boston, Massachusetts 02109
Tel. 617.542.2290 • Fax 617.451.0313
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DATE: May 26, 2004

TO: Examiner Richard A. Rosenberger
TC Art Unit: 2877

Fax No.: (703) 872 9306

FROM: Charles L. Gagnebin III

No. of pages transmitted
(including this page): 27

Our File: SCHSM-009XX

Time: 4:05 PM

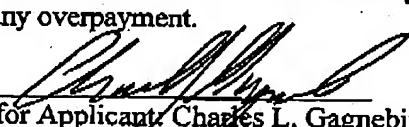
Your Ref:
Application No. 10/002,398
Filed Date: October 25, 2001
Confirmation No.: 1040

Sent by: Kim Walmsley

A confirmation copy of this transmission will not be mailed unless the following is checked: ☐
MESSAGEPLEASE DELIVER DIRECTLY TO:
EXAMINER Richard A. Rosenberger, Tel. (703) 308-4804
TC ART UNIT NO: 2877**FOR ENTRY**

Enclosed for filing please find a: Communication under 37 CFR 1.312, copies of the Italian and European priority applications as submitted on January 16, 2002, copy of the return receipt postcard evidencing receipt of the priority documents

The Commissioner is hereby authorized to Charge Deposit Account No. 23-0804 for any additional filing fees associated with this communication or credit any overpayment.


Attorney for Applicant Charles L. Gagnebin III
Registration No. 25,467**THIS MESSAGE MAY CONTAIN CONFIDENTIAL OR PRIVILEGED INFORMATION INTENDED ONLY FOR THE PERSON(S) IDENTIFIED ABOVE. IF IT HAS BEEN RECEIVED AT ANY OTHER PLACE OR HAS NOT BEEN CLEARLY RECEIVED, PLEASE CALL THE ABOVE IDENTIFIED SENDING PARTY COLLECT FOR INSTRUCTIONS. DO NOT SHOW OR DISTRIBUTE THIS MESSAGE TO ANYONE OTHER THAN THE INTENDED RECIPIENT(S). THANK YOU.**

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MAY 26 2004

PATENT

Rev 12/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Notice of Allowance dated: May 6, 2004

Confirmation No.: 1040

In re application : Hans Pallingen
Application No. : 10/002,398
Filed : October 25, 2001
For : PHOTO ELECTRIC MEASURING DEVICE
Confirmation No. : 1040
Examiner : Richard A. Rosenberger
Attorney's Docket : SCHSM-009XX

TC Art Unit: 2877

I hereby certify that this correspondence is being sent via
facsimile to Examiner Richard A. Rosenberger, TC Art Unit 2877,
Fax No. (703)872 9306, on 5-26-04.

By: 

Charles T. Gagnebin III
Registration No. 25,467
Attorney for Applicant

COMMUNICATION UNDER 37 CFR 1.312

Via Facsimile
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication is submitted in response to the Notice of
Allowance mailed May 6, 2004, in the above-identified application.

The Applicant respectfully requests that copies of the
following Italian and European patent applications (enclosed)

WEINGARTEN, SCHURGIN,
GAGNEBIN & LEBOVICI LLP
TEL. (617) 542-2290
FAX. (617) 451-0313

Application No. 10/002,398
Filed: October 25, 2001
TC Art Unit: 2877
Confirmation No.: 1040

corresponding to the above-identified application be included in the file of the aforesaid application:

Italian Application No. BZ 2000A000045 filed: 26 October 2000;
and
European Application No. 00 126 468.8 filed: 07 December 2000.

The official Notice of Allowability indicates that acknowledgement is made of a claim for foreign priority under 35 U.S.C. 119, however none of the certified copies of the priority documents have been received.

The Applicant respectfully points out that certified copies of the above-referenced foreign applications were originally submitted to the Office with a Priority Claim Under Rule 55 on January 16, 2002. Included herewith is a copy of a confirmation postcard dated February 12, 2002, as evidence of the Office's receipt of these priority documents.

The Applicant's Attorney spoke with Examiner Rosenberger on May 21, 2004, to determine whether the indication on the Notice of Allowability that none of the priority documents have been received was made in error. Examiner Rosenberger indicated that no error was made on the Notice of Allowability. Further, the Examiner stated that although the Office has the above-referenced Priority Claim Under Rule 55 on-file, the above-referenced

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WEINGARTEN, SCHURGIN,
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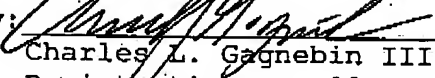
priority documents are not currently on-file. The Examiner indicated that the priority documents might have been inadvertently separated from the file. The Examiner then suggested that the Applicant re-submit the priority documents for inclusion in the file.

It is respectfully requested that the instant re-submission of the above-referenced priority documents be accepted, and that the priority documents be included in the file of the above-identified application.

The Examiner is invited to telephone the undersigned with regard to any questions presented by this communication.

Respectfully submitted,

HANS PALLINGEN

By: 
Charles L. Gagnebin III
Registration No. 25,467
Attorney for Applicant

WEINGARTEN, SCHURGIN,
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CLG/pjd
Enclosures
306572

-3-

WEINGARTEN, SCHURGIN,
GAGNEBIN & LEOVICI LLP
TEL. (617) 542-2290
FAX. (617) 451-0313

Applicant: Hans Pullinger

Title: Photo Electric Measurement Device Filed: OCTOBER 25, 2001

Application No. 10/007,399 Patent No. _____ Docket No. SCHM-009XX

Enclosed is the Following:

☒ Transmittal Letter in triplicate, Resp to notice to file missing parts
Check(s) for \$740.00

☐ Application including Pgs. _____ of Spec.,
_____ of claims and pg _____ of Abstract

☒ Declaration and Power of Attorney, + copy of notice to file missing parts
Check(s) for \$130.00

☐ Informal / Formal Drawings, _____
_____ Sheets of Figs. _____

☐ Letter to Chief Draftsman: _____

☐ Amend./Resp. dated _____
Check(s) for _____

☒ Information Disclosure Statement, Form 1449, SEARCH REPORT
6 refs., Check for _____

☐ Assignment; Check for _____

☐ Issue Fee; PTO Form 85B&C; Check for _____

Date Mailed: JANUARY 15, 2002

Date Due: FEBRUARY 28, 2002

Initials: CLG:kmw

Express Mail Receipt No. _____

☐ Certificate/Letter of Correction
Cover letter & check for _____

☐ Notice of Appeal (In triplicate),
Check for _____

☐ Petition for Extension of Time for
_____ Months, Check for _____

☐ Verified Statement Claiming Small Entity Status

☐ Certificate of Mailing by Express Mail

☒ Other: PRIORITY CLAIM UNDER RULE 55 & CERTIFIED COPIES OF ITALIAN PATENT APP. NO. B7200000000005 & EUROPEAN PATENT APP. NO. 001264658

Receipt Date & Application No. _____